THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16728 of 2007

Dated:14.08.2007

Between:

Smt.Rammamma, W/o.Rammappa.

…Petitioners

and

Gram Panchayat,
Rep.by its Sarpanch/Secretary,
Goonoor Village of Tandur Mandal,
Ranga Reddy District.

…Respondents

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ORDER:

The petitioner is a resident of Goonoor Gram Panchayat. She is the owner of a house site admeasuring 60 square yards in Survey No.64/1 situated at Veershettypalli Village of Goonoor Gram Panchayat. The petitioner belongs to Scheduled Caste. She applied to the Scheduled Caste Service Co-operative Society Limited, Ranga Reddy District, for a loan and subsidy to set up a Flourmill, and the same was granted. She alleges that she applied for permission on 15.12.2005 for construction, and the same was granted on 25.12.2005. When the petitioner allegedly commenced construction, the Sarpanch warned and threatened her not to proceed with the construction. The Sarpanch issued a communication dated 09.07.2007 directing to stop construction. Again similar proceedings was issued on 31.07.2007, aggrieved by which, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the petitioner already obtained permission on 25.12.2005, and therefore, the impugned proceedings which proceed on the premise that petitioner did not obtain permission are incorrect. Secondly, he submits that even if there is any violation of the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), and the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules,

2002, the petitioner is entitled for a notice before any coercive action is taken for demolition of the construction. These contentions are refuted by the learned Standing Counsel for the Gram Panchayat.

The submission that the petitioner has already obtained permission vide letter dated 25.12.2005 with the Gram Panchayat cannot be accepted. A perusal of the same would show that with reference to the application made in December 2005, the petitioner was permitted to construct a house in Survey No.64/1. A perusal of the impugned proceedings dated 09.07.2007 would show that the petitioner again made application on 01.07.2007 seeking permission to construct a shed for establishing Flourmill. Therefore, she cannot rely on the permission granted on 25.12.2005. Secondly, even according to the petitioner, she commenced construction of the Flourmill after obtaining necessary sanction for loan and subsidy issued in October 2006. If she obtained sanction orders from the Scheduled Caste Service Co-operative Society Limited, Ranga Reddy District, in October 2006, it is unimaginable as to how she could have obtained permission in December 2005 itself for construction of the shed for Flourmill. Her statement itself falsifies her case. A perusal of the impugned rejection proceedings dated 09.07.2007 would show that the application dated 01.07.2007 seeking permission was rejected by the Gram Panchayat on 09.07.2007. As the petitioner appears to have commenced construction ignoring the rejection proceedings, another notice was issued on 31.07.2007 directing the petitioner to remove temporary construction made on the mill and the road. If the petitioner is aggrieved by this communication, her remedy is to approach the District Panchayat Officer under Section 128(2) of the Act. The Writ Petition is wholly misconceived. If so advised, the petitioner may prefer an appeal to the District Panchayat Officer, in which event, the said authority shall decide the matter without in any manner being influenced by the observations made hereinabove.

The Writ Petition is accordingly, dismissed. No costs.

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(V.V.S.RAO, J)

14.08.2007
vs